

PUBLIC CHAPTER NO. 348

HOUSE BILL NO. 402

By Representatives Sherry Jones, Favors, Sontany

Substituted for: Senate Bill No. 723

By Senators Woodson, Marrero, Burks

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6, relative to orders of protection and domestic abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-601, is amended by deleting from subdivision (11) the language:

“Victim” means any person who falls within the following categories:

and substituting instead the following language:

“Domestic abuse victim” means any person who falls within the following categories:

SECTION 2. Tennessee Code Annotated, Section 36-3-602, is amended by deleting subsection (a) and substituting instead the following:

(a) Any domestic abuse victim, stalking victim or sexual assault victim who has been subjected to, threatened with, or placed in fear of, domestic abuse, stalking, or sexual assault, may seek a relief under this part by filing a sworn petition alleging such domestic abuse, stalking, or sexual assault by the respondent.

SECTION 3. Tennessee Code Annotated, Section 36-3-617, is amended by deleting the first sentence of subsection (a) in its entirety and substituting instead the following:

Notwithstanding any other provision of law to the contrary, the petitioner shall not be required to pay any filing fees, litigation taxes or any other costs associated with the filing, issuance, service, appeal or enforcement of an order of protection authorized by this part upon the filing of the petition.

SECTION 4. Tennessee Code Annotated, Section 36-3-605, is amended by deleting subsection (d) and substituting instead the following:

(d) Within the time the order of protection is in effect, any court of competent jurisdiction may modify the order of protection, either upon the court's own motion or upon motion of the petitioner. If a respondent is properly served and afforded the opportunity for a hearing pursuant to §36-3-612, and is found to be in violation of the order, the court may extend the order of protection up to five (5) years. If a respondent is properly served and afforded the opportunity for a hearing pursuant to §36-3-612, and is found to be in a second or subsequent violation of the order, the court may extend the order of protection up to ten (10) years. No new petition is required to be filed in order for a court to modify an order or extend an order pursuant to this subsection.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 17, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 5th day of June 2007



PHIL BREDESEN, GOVERNOR